

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

LOCAL 8027, AFT-NEW HAMPSHIRE, AFL-CIO, RYAN  
RICHMAN, JOHN DUBE and JOCEYLN MERRILL,  
teachers in the New Hampshire Public Schools, and  
KIMBERLY GREEN ELLIOTT and MEGHAN EVELYN  
DURDEN, parents or guardians of children in the New  
Hampshire public schools.

Plaintiffs,

v.

FRANK EDELBLUT, in his Official Capacity as  
Commissioner of the DEPARTMENT OF EDUCATION  
("DOE"), CHRISTIAN KIM in his Official Capacity as the  
Chair of the NEW HAMPSHIRE COMMISSION ON  
HUMAN RIGHTS, and JOHN FOMELLA in his Official  
Capacity as ATTORNEY GENERAL of the State of New  
Hampshire.

Defendants.

Civil No. 1:21-cv-01077-PB

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ANDRES MEJIA,  
CHRISTINA KIM PHILIBOTTE, and  
NATIONAL EDUCATION ASSOCIATION-NEW  
HAMPSHIRE,

Plaintiffs,

v.

FRANK EDELBLUT, in his official capacity only as the  
Commissioner of the New Hampshire Department of  
Education,  
JOHN M. FORMELLA, in his official capacity only as the  
Attorney General of the State of New Hampshire,  
AHNI MALACHI, in her official capacity only as the  
Executive Director of the New Hampshire Commission for  
Human Rights,  
CHRISTIAN KIM, in his official capacity  
only as the Chair of the New Hampshire Commission for  
Human Rights,  
KEN MERRIFIELD, in his official capacity only as the  
Commissioner of the Department of Labor,

Defendants.

**THE PARTIES' JOINT MOTION FOR ENTRY OF CASE MANAGEMENT ORDER**

Pursuant to the Court's March 8, 2022 status conference, the Parties hereby move for entry of the following Case Management Order:

1. The State Defendants shall file their Motion(s) to Dismiss to both the AFT Complaint and the Mejia/NEA-NH Complaint by **March 25, 2022**.

2. The AFT Plaintiffs and Mejia/NEA-NH Plaintiffs shall file their Objection(s) by **May 20, 2022**.

3. The State Defendants shall file any Reply Brief(s), if applicable, by **June 10, 2022**.

4. The AFT Plaintiffs and Mejia/NEA-NH Plaintiffs shall file any Sur-reply by **July 1, 2022**.

5. The Parties request that oral argument be conducted in July (excluding July 4-12) or August (excluding the weeks of August 1-5, August 22-26, August 29 - September 2), or at the Court's earliest possible convenience.

6. The AFT Plaintiffs and the Mejia/NEA-NH Plaintiffs will proceed with the utmost possible coordination in their respective cases. Each Plaintiff group will make every effort to avoid duplicative submissions, but reserves the right to submit supplemental pleadings or submissions where there is not unanimous agreement on material issues of fact or law or the positions thereon are at significant variance as between the Plaintiff groups, where the claims raised are being brought by only one client group, or where the application of fact to law is unique to a particular Plaintiff.

7. In the event the State Defendants' Motion(s) to Dismiss is denied in whole or in part, the Parties will confer and propose a schedule and further case management plan to this Court

for future phases of this case, including a Discovery Plan for any applicable discovery, summary judgment briefing, and any bench trial where appropriate.

WHEREFORE, the parties' respectfully request that this Court:

- A. Enter the foregoing Case Management Plan; and
- B. Award such other relief as the Court deems just and equitable.

March 21, 2022

Respectfully submitted,

LOCAL 8027, AFT-NEW HAMPSHIRE, AFL-CIO, RYAN RICHMAN, JOHN DUBE and JOCEYLN MERRILL, teachers in the New Hampshire Public Schools, and KIMBERLY GREEN ELLIOTT and MEGHAN EVELYN DURDEN, parents or guardians of children in the New Hampshire public schools,

By and through their attorneys,

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